

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 17-mj-1138
(Sealed)

JOSEPH PACHETTI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of December 8, 2016, in the County of Niagara, in the Western District of New York, the defendant did knowingly possess child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



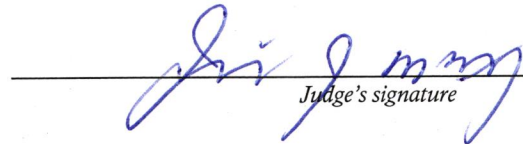
Complainant's signature

S.R. MILLER
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed in my presence.

Date: November 14, 2017



Judge's signature

City and State: Buffalo, New York

JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **S. R. Miller**, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation and entered on duty in 2007. I am currently assigned to the Buffalo Field Office Child Exploitation Task Force which targets individuals involved in the on-line sexual exploitation of children. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **JOSEPH PACHETTI** of Umatilla, Florida, with violating Title 18, United States Code, Section 2252A(a)(5)(B).

3. The information in this affidavit is based upon my personal knowledge and upon information provided to me by law enforcement officers and others. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth

only the facts that I believe are necessary to establish probable cause to believe that **JOSEPH PACHETTI** did knowingly violate Title 18, United States Code, Section 2252A(a)(5)(B).

4. On December 6, 2016, a federal search warrant was issued for 8810 Niagara Falls Boulevard, Apartment 5, Niagara Falls, New York, and December 8, 2016, Agents from the Buffalo Division of the FBI along with Task Force Officers conducted a search of the apartment pursuant to the search warrant. During the search of the apartment, PACHETTI was the sole resident of the apartment. As a part of the search, Agents seized several items, including an HP Elite Book 8540SW S/N: CND0501V3W, a Generic HDD (silver in color), S/N: 5YX0VPMG, and an Asus X5500 laptop with power cord, S/N: FAN0CV379538428. These items were transferred to the Western New York Regional Computer Forensics Laboratory (WNYRCFL) for forensic analysis.

5. Coincident to the execution of the search warrant, PACHETTI was interviewed and admitted that he had been using publicly available P2P software to download, possess, view, and distribute child pornography since he was in his early 20s. He said that he has wifi, but he is the only one to use it as he is the only person living at the apartment and using the electronics. PACHETTI stated that he uses uTorrent and the Tor Network to download child pornography. PACHETTI said that he used the search terms “pthc” and “lolita” to locate files of child pornography.

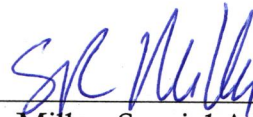
6. The WNYRCFL Report of Examination revealed that each of the items listed in paragraph 4 contained child pornography. A review of the WNYRCFL Report by your

Affiant resulted in the discovery of more than 2,000 image files and nine video files that contain child pornography as defined in Title 18 U.S.C. 2256. Listed below is the description of one of these image files, that I believe based on my training and experience, constitutes child pornography:

- a. **Carved [9367076].jpeg.** This image depicts a nude prepubescent female child, approximately 3-4 years of age on a couch. She is sitting up with her legs spread open exposing her vagina. She is using both hands to spread open the top part of her vagina.

7. All of the files of child pornography recovered during the forensic examination were submitted to the National Center for Missing and Exploited Children (NCMEC) for possible identification of the children depicted. The NCMEC report yielded 330 of the images were known victims covering nine identified series.

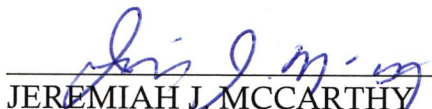
8. Based upon the foregoing, I respectfully submit that there is probable cause to believe that **JOSEPH PACHETTI** has violated Title 18, United States Code, Section 2252A(a)(5)(B).



S. R. Miller, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to before

me this 14th day of November 2017



JEREMIAH J. MCCARTHY
United States Magistrate Judge